

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78766108
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant is seeking to register STAYCOOL for power supplies and transformers for use with robotic swimming pools. The Examiner has issued a FINAL refusal to register on the basis of descriptiveness. Applicant is filing a Notice of Appeal and based on the comments set forth below requests that the Examiner reconsider the Section 2(e)(1) objection.</p> <p>STAYCOOL fails to immediately convey a feature or characteristic of the goods. Rather it requires thought and analysis. It is submitted that the double entendre association of the phrase "stay cool" removes the mark from the realm of descriptiveness as contemplated by the statute.</p> <p>The refusal should be withdrawn and the mark allowed for publication.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Julie B. Seyler/
SIGNATORY'S NAME	Julie B. Seyler
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	07/31/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jul 31 12:53:56 EDT 2007
TEAS STAMP	USPTO/ROA-216.75.92.26-20 070731125356672841-787661 08-380552021cb82fc8841368 96bd24768d67-N/A-N/A-2007 0731124527966934

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78766108** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

Applicant is seeking to register STAYCOOL for power supplies and transformers for use with robotic swimming pools. The Examiner has issued a FINAL refusal to register on the basis of descriptiveness. Applicant is filing a Notice of Appeal and based on the comments set forth below requests that the Examiner reconsider the Section 2(e)(1) objection.

STAYCOOL fails to immediately convey a feature or characteristic of the goods. Rather it requires thought and analysis. It is submitted that the double entendre association of the phrase "stay cool" removes the mark from the realm of descriptiveness as contemplated by the statute.

The refusal should be withdrawn and the mark allowed for publication.

Response Signature

Signature: /Julie B. Seyler/ Date: 07/31/2007

Signatory's Name: Julie B. Seyler

Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 78766108

Internet Transmission Date: Tue Jul 31 12:53:56 EDT 2007
TEAS Stamp: USPTO/ROA-216.75.92.26-20070731125356672
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